IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIFTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21614 of 2004

Between:

1. Sd. Sandani Basha,

   S/o. Abdul Khadir,
   R/o. 21/268,

   Jenda Street, Nellore.

2 Sd. Asifa Begum,

   W/o. Sd. Sandani Basha,
   R/o. 21/268, Jenda Street, Nellore.

..... PETITIONERS

AND

1. The District Collector,

   Nellore District, Nellore.

2 The Revenue Divisional Officer,

   Nellore, Nellore District.

3 The Mandal Revenue Officer,

   Podalakur Mandal,

Podalakur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an order, direction or writ more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in seeking to dispossess the petitioners and their purchasers under agreement from the lands covered by Survey Nos. 638/4, 636/3, 636/5, 635/1, 634/2, 635/3, 633/4, 623/4, 623/1, 634/4, 632/4, 632/5, and 634/1 situated in Marupur village, podalakur Mandal, Nellore District covered by the registered sale deeds dt.11.8.1997, 16.8.1997 and 11.3.1998 obtained by the petitioners, as illegal, arbitrary and unconstitutional and in violation of Articles 14 and 21 of Constitution of India, provisions of A.P. Assigned Lands (Prohibition of Transfer) Act 1977 and the rules framed thereunder and consequently direct the respondents not to initiate any action to dispossess the petitioners from the above said lands except by due process of law.

Counsel for the Petitioners: MR.M.VENKATA NARAYANA

Counsel for the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following:

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO: 21614 of 2004

ORDER:

The apprehension of the petitioners is only about the threat that the respondents may dispossess them from their patta lands. Except this allegation, there are no any specific allegations made in the petitioners' affidavit with regard to the contemplated dispossession.

2 . Therefore, in the absence of any violation of legal right by the respondents, a direction cannot be given to the respondents at this stage. The writ petition is totally devoid of merits.

3. The writ petition, subject to the above observation, is disposed of. This order does not give any right to the respondents to take possession of the lands from

the petitioners without recourse to the law, if they are found to be in possession of land.

November 25, 2004

Kvr

TO

1 The District Collector, Nellore District, Nellore.
2 The Revenue Divisional Officer, Nellore, Nellore District.
3 The Mandal Revenue Officer, Podalakur Mandal,

Podalakur, Nellore District.

4 Two C.Cs. to G.P. for Revenue, High Court Buildings,

High Court of A.P., Hyderabad, (OUT)

5 Two C.D. Copies.